

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUAN RICARDO BAHENA ESCOBAR,  
*individually and on behalf of others similarly  
situated,*

17-cv-09850-RA

*Plaintiff,*

-against-

**AFFIRMATION OF  
COLIN MULHOLLAND**

PIRATA TAPAS, INC. (D/B/A VIALE),  
FREDDY TEJADA , DEWIN RAFAEL  
MATEO, and ELVIS MARTINEZ,

*Defendants*

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Colin Mulholland, an attorney duly admitted to practice in New York and in this court, declares on penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the attorneys for Plaintiff Juan Ricardo Bahena Escobar in this lawsuit for unpaid wages under the FLSA and New York Labor Law and regulations.

2. I submit this affirmation in support of the Plaintiff's application for certificates of default pursuant to F.R.C.P. 55(a) and Local Rule 55.1, against the Defendants Pirata Tapas, Inc., Freddy Tejada, Dewin Rafael Mateo, and Elvis Martinez, for failure to respond to the complaint or otherwise appear in this action.

3. The complaint in this action was filed on December 15, 2017. *See* Civil Docket Sheet Entry 1.

4. A summons and copy of the Complaint was properly served on Defendant Pirata Tapas, Inc. on December 20, 2017. *See* Civil Docket Sheet Entry 15.

5. A summons and copy of the Complaint was properly served on Defendant Freddy Tejada on December 20, 2017. *See* Civil Docket Sheet Entry 14.

6. A summons and copy of the Complaint was properly served on Defendant Dewin Rafael Mateo on December 20, 2017. *See Civil Docket Sheet Entry 12.*

7. A summons and copy of the Complaint was properly served on Defendant Elvis Martinez on December 20, 2017. *See Civil Docket Sheet Entry 13.*

8. On information and belief, Defendant Corporation Pirata Tapas, Inc., being a corporation organized and existing under the laws of the State of New York, and Individual Defendants Freddy Tejada, Dewin Rafael Mateo, and Elvis Martinez are not infants, nor in the military, nor incompetent persons.

9. Defendants Pirata Tapas, Inc., Freddy Tejada, Dewin Rafael Mateo, and Elvis Martinez's time to respond to the complaint has long expired. Said Defendants have failed to appear, plead, or otherwise defend the action.

10. Wherefore, Plaintiff respectfully requests that the Court enter a default judgment against Defendants Pirata Tapas, Inc., Freddy Tejada, Dewin Rafael Mateo, and Elvis Martinez.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York  
March 8, 2018

*/s/ Colin Mulholland*  
Colin Mulholland, Esq.  
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